

**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

KIMBERLLY HANKINSON  
42100 Southern Hills Drive  
Temecula, CA 92591

Registered Nursing License No. 531059

Respondent.

Case No. 2007-160

OAH No. L-2007030486

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on JANUARY 28, 2008.

It is so ORDERED December 28, 2007.

*LaTranene W Tate*

\_\_\_\_\_  
FOR THE BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS

1 EDMUND G. BROWN JR., Attorney General  
of the State of California

2 MARGARET A. LAFKO

Supervising Deputy Attorney General

3 RITA M. LANE, State Bar No. 171352

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9 Attorneys for Complainant

10 **BEFORE THE**  
11 **BOARD OF REGISTERED NURSING**  
12 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

14 KIMBERLLY HANKINSON

42100 Southern Hills Drive

15 Temecula, CA 92591

16 Registered Nursing License No. 531059

17 Respondent.

Case No. 2007-160

OAH No. L-2007030486

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

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19  
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
21 above-entitled proceedings that the following matters are true:

22 PARTIES

23 1. Ruth Ann Terry, M.P.H, R.N (Complainant) is the Executive Officer of  
24 the Board of Registered Nursing. She brought this action solely in her official capacity and is  
25 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,  
26 by Rita M. Lane, Deputy Attorney General.

27 2. Respondent Kimberlly Hankinson is representing herself in this  
28 proceeding and has chosen not to exercise her right to be represented by counsel.

3. On or about March 24, 1997, the Board of Registered Nursing issued Registered Nursing No. 531059 to Kimberly Hankinson (Respondent). The Nursing was in full force and effect at all times relevant to the charges brought in Accusation No. 2007-160 and will expire on June 30, 2008, unless renewed.

## JURISDICTION

4. Accusation No. 2007-160 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on December 20, 2006. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2007-160 is attached as Exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2007-160. Respondent has also carefully read, and fully understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in paragraphs 16(b) and 17 in Accusation No. 2007-160. Respondent understands and agrees that

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1 the remaining charges and allegations in Accusation No. 2007-160, if proven at a hearing,  
2 constitute cause for imposing discipline upon her Registered Nursing.

3 9. For the purpose of resolving the Accusation without the expense and  
4 uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could  
5 establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up  
6 her right to contest those charges.

7 10. Respondent agrees that her Registered Nursing license is subject to  
8 discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the  
9 Disciplinary Order below.

#### 10 CONTINGENCY

11 11. This stipulation shall be subject to approval by the Board of Registered  
12 Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the  
13 Board of Registered Nursing may communicate directly with the Board regarding this stipulation  
14 and settlement, without notice to or participation by Respondent or his counsel. By signing the  
15 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek  
16 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails  
17 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary  
18 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal  
19 action between the parties, and the Board shall not be disqualified from further action by having  
20 considered this matter.

21 12. The parties understand and agree that facsimile copies of this Stipulated  
22 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same  
23 force and effect as the originals.

24 13. In consideration of the foregoing admissions and stipulations, the parties  
25 agree that the Board may, without further notice or formal proceeding, issue and enter the  
26 following Disciplinary Order:

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1                   Upon successful completion of probation, Respondent's license shall be fully  
2 restored.

3                   3.       **Report in Person.** Respondent, during the period of probation, shall  
4 appear in person at interviews/meetings as directed by the Board or its designated  
5 representatives.

6                   4.       **Residency, Practice, or Licensure Outside of State.** Periods of  
7 residency or practice as a registered nurse outside of California shall not apply toward a reduction  
8 of this probation time period. Respondent's probation is tolled, if and when she resides outside  
9 of California. Respondent must provide written notice to the Board within 15 days of any change  
10 of residency or practice outside the state, and within 30 days prior to re-establishing residency or  
11 returning to practice in this state.

12                   Respondent shall provide a list of all states and territories where she has ever been  
13 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further  
14 provide information regarding the status of each license and any changes in such license status  
15 during the term of probation. Respondent shall inform the Board if she applies for or obtains a  
16 new nursing license during the term of probation.

17                   5.       **Submit Written Reports.** Respondent, during the period of probation,  
18 shall submit or cause to be submitted such written reports/declarations and verification of actions  
19 under penalty of perjury, as required by the Board. These reports/declarations shall contain  
20 statements relative to Respondent's compliance with all the conditions of the Board's Probation  
21 Program. Respondent shall immediately execute all release of information forms as may be  
22 required by the Board or its representatives.

23                   Respondent shall provide a copy of this Decision to the nursing regulatory agency  
24 in every state and territory in which she has a registered nurse license.

25                   6.       **Function as a Registered Nurse.** Respondent, during the period of  
26 probation, shall engage in the practice of registered nursing in California for a minimum of 24  
27 hours per week for 6 consecutive months or as determined by the Board.

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1 For purposes of compliance with the section, "engage in the practice of registered  
2 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or  
3 work in any non-direct patient care position that requires licensure as a registered nurse.

4 The Board may require that advanced practice nurses engage in advanced practice  
5 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the  
6 Board.

7 If Respondent has not complied with this condition during the probationary term,  
8 and Respondent has presented sufficient documentation of her good faith efforts to comply with  
9 this condition, and if no other conditions have been violated, the Board, in its discretion, may  
10 grant an extension of Respondent's probation period up to one year without further hearing in  
11 order to comply with this condition. During the one year extension, all original conditions of  
12 probation shall apply.

13 **7. Employment Approval and Reporting Requirements.** Respondent  
14 shall obtain prior approval from the Board before commencing or continuing any employment,  
15 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all  
16 performance evaluations and other employment related reports as a registered nurse upon request  
17 of the Board.

18 Respondent shall provide a copy of this Decision to her employer and immediate  
19 supervisors prior to commencement of any nursing or other health care related employment.

20 In addition to the above, Respondent shall notify the Board in writing within  
21 seventy-two (72) hours after she obtains any nursing or other health care related employment.  
22 Respondent shall notify the Board in writing within seventy-two (72) hours after she is  
23 terminated or separated, regardless of cause, from any nursing, or other health care related  
24 employment with a full explanation of the circumstances surrounding the termination or  
25 separation.

26 **8. Supervision.** Respondent shall obtain prior approval from the Board  
27 regarding Respondent's level of supervision and/or collaboration before commencing or  
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1 continuing any employment as a registered nurse, or education and training that includes patient  
2 care.

3 Respondent shall practice only under the direct supervision of a registered nurse  
4 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative  
5 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)  
6 are approved.

7 Respondent's level of supervision and/or collaboration may include, but is not  
8 limited to the following:

9 (a) Maximum - The individual providing supervision and/or collaboration is  
10 present in the patient care area or in any other work setting at all times.

11 (b) Moderate - The individual providing supervision and/or collaboration is in  
12 the patient care unit or in any other work setting at least half the hours Respondent works.

13 (c) Minimum - The individual providing supervision and/or collaboration has  
14 person-to-person communication with Respondent at least twice during each shift worked.

15 (d) Home Health Care - If Respondent is approved to work in the home health  
16 care setting, the individual providing supervision and/or collaboration shall have person-to-  
17 person communication with Respondent as required by the Board each work day. Respondent  
18 shall maintain telephone or other telecommunication contact with the individual providing  
19 supervision and/or collaboration as required by the Board during each work day. The individual  
20 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-  
21 site visits to patients' homes visited by Respondent with or without Respondent present.

22 9. **Employment Limitations.** Respondent shall not work for a nurse's  
23 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a  
24 traveling nurse, or for an in-house nursing pool.

25 Respondent shall not work for a licensed home health agency as a visiting nurse  
26 unless the registered nursing supervision and other protections for home visits have been  
27 approved by the Board. Respondent shall not work in any other registered nursing occupation  
28 where home visits are required.



1           Respondent shall not work in any health care setting as a supervisor of registered  
2 nurses. The Board may additionally restrict Respondent from supervising licensed vocational  
3 nurses and/or unlicensed assistive personnel on a case-by-case basis.

4           Respondent shall not work as a faculty member in an approved school of nursing  
5 or as an instructor in a Board approved continuing education program.

6           Respondent shall work only on a regularly assigned, identified and predetermined  
7 worksite(s) and shall not work in a float capacity.

8           If Respondent is working or intends to work in excess of 40 hours per week, the  
9 Board may request documentation to determine whether there should be restrictions on the hours  
10 of work.

11           **10. Complete a Nursing Course(s).** Respondent, at her own expense, shall  
12 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later  
13 than six months prior to the end of her probationary term.

14           Respondent shall obtain prior approval from the Board before enrolling in the  
15 course(s). Respondent shall submit to the Board the original transcripts or certificates of  
16 completion for the above required course(s). The Board shall return the original documents to  
17 Respondent after photocopying them for its records.

18           **11. Cost Recovery.** Respondent shall pay to the Board costs associated with  
19 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the  
20 amount of \$4,017.00. Respondent shall be permitted to pay these costs in a payment plan  
21 approved by the Board, with payments to be completed no later than three months prior to the  
22 end of the probation term.

23           If Respondent has not complied with this condition during the probationary term,  
24 and Respondent has presented sufficient documentation of her good faith efforts to comply with  
25 this condition, and if no other conditions have been violated, the Board, in its discretion, may  
26 grant an extension of Respondent's probation period up to one year without further hearing in  
27 order to comply with this condition. During the one year extension, all original conditions of  
28 probation will apply.

1                   12.     **Violation of Probation.** If Respondent violates the conditions of her  
2 probation, the Board after giving Respondent notice and an opportunity to be heard, may set  
3 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's  
4 license.

5                   If during the period of probation, an accusation or petition to revoke probation has  
6 been filed against Respondent's license or the Attorney General's Office has been requested to  
7 prepare an accusation or petition to revoke probation against Respondent's license, the  
8 probationary period shall automatically be extended and shall not expire until the accusation or  
9 petition has been acted upon by the Board.

10                  13.     **License Surrender.** During Respondent's term of probation, if she ceases  
11 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of  
12 probation, Respondent may surrender her license to the Board. The Board reserves the right to  
13 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to  
14 take any other action deemed appropriate and reasonable under the circumstances, without  
15 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent  
16 will no longer be subject to the conditions of probation.

17                  Surrender of Respondent's license shall be considered a disciplinary action and  
18 shall become a part of Respondent's license history with the Board. A registered nurse whose  
19 license has been surrendered may petition the Board for reinstatement no sooner than the  
20 following minimum periods from the effective date of the disciplinary decision:

21                  (1)     Two years for reinstatement of a license that was surrendered for any  
22 reason other than a mental or physical illness; or

23                  (2)     One year for a license surrendered for a mental or physical illness.

24                  14.     **Physical Examination.** Within 45 days of the effective date of this  
25 Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or  
26 physician assistant, who is approved by the Board before the assessment is performed, submit an  
27 assessment of the Respondent's physical condition and capability to perform the duties of a  
28 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If

1 medically determined, a recommended treatment program will be instituted and followed by the  
2 Respondent with the physician, nurse practitioner, or physician assistant providing written  
3 reports to the Board on forms provided by the Board.

4           If Respondent is determined to be unable to practice safely as a registered nurse,  
5 the licensed physician, nurse practitioner, or physician assistant making this determination shall  
6 immediately notify the Board and Respondent by telephone, and the Board shall request that the  
7 Attorney General's office prepare an accusation or petition to revoke probation. Respondent  
8 shall immediately cease practice and shall not resume practice until notified by the Board.  
9 During this period of suspension, Respondent shall not engage in any practice for which a license  
10 issued by the Board is required until the Board has notified Respondent that a medical  
11 determination permits Respondent to resume practice. This period of suspension will not apply  
12 to the reduction of this probationary time period.

13           If Respondent fails to have the above assessment submitted to the Board within  
14 the 45-day requirement, Respondent shall immediately cease practice and shall not resume  
15 practice until notified by the Board. This period of suspension will not apply to the reduction of  
16 this probationary time period. The Board may waive or postpone this suspension only if  
17 significant, documented evidence of mitigation is provided. Such evidence must establish good  
18 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be  
19 provided. Only one such waiver or extension may be permitted.

20           **15. Participate in Treatment/Rehabilitation Program for Chemical**  
21 **Dependence.** Respondent, at her expense, shall successfully complete during the probationary  
22 period or shall have successfully completed prior to commencement of probation a Board-  
23 approved treatment/rehabilitation program of at least six months duration. As required, reports  
24 shall be submitted by the program on forms provided by the Board. If Respondent has not  
25 completed a Board-approved treatment/rehabilitation program prior to commencement of  
26 probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in  
27 a program. If a program is not successfully completed within the first nine months of probation,  
28 the Board shall consider Respondent in violation of probation.

1           Based on Board recommendation, each week Respondent shall be required to  
2 attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics  
3 Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed  
4 by the Board. If a nurse support group is not available, an additional 12-step meeting or  
5 equivalent shall be added. Respondent shall submit dated and signed documentation confirming  
6 such attendance to the Board during the entire period of probation. Respondent shall continue  
7 with the recovery plan recommended by the treatment/rehabilitation program or a licensed  
8 mental health examiner and/or other ongoing recovery groups.

9           **16. Abstain from Use of Controlled Substances and Psychotropic (Mood-**  
10 **Altering) Drugs.** Respondent shall completely abstain from the possession, injection or  
11 consumption by any route of all controlled substances and all psychotropic (mood altering)  
12 drugs, including alcohol, except when the same are ordered by a health care professional legally  
13 authorized to do so as part of documented medical treatment. Respondent shall have sent to the  
14 Board, in writing and within fourteen (14) days, by the prescribing health professional, a report  
15 identifying the medication, dosage, the date the medication was prescribed, the Respondent's  
16 prognosis, the date the medication will no longer be required, and the effect on the recovery plan,  
17 if appropriate.

18           Respondent shall identify for the Board a single physician, nurse practitioner or  
19 physician assistant who shall be aware of Respondent's history of substance abuse and will  
20 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled  
21 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician  
22 assistant shall report to the Board on a quarterly basis Respondent's compliance with this  
23 condition. If any substances considered addictive have been prescribed, the report shall identify a  
24 program for the time limited use of any such substances.

25           The Board may require the single coordinating physician, nurse practitioner, or  
26 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in  
27 addictive medicine.

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1                   **17. Submit to Tests and Samples.** Respondent, at her expense, shall  
2 participate in a random, biological fluid testing or a drug screening program which the Board  
3 approves. The length of time and frequency will be subject to approval by the Board.  
4 Respondent is responsible for keeping the Board informed of Respondent's current telephone  
5 number at all times. Respondent shall also ensure that messages may be left at the telephone  
6 number when she is not available and ensure that reports are submitted directly by the testing  
7 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately  
8 to the Board by the program and Respondent shall be considered in violation of probation.

9                   In addition, Respondent, at any time during the period of probation, shall fully  
10 cooperate with the Board or any of its representatives, and shall, when requested, submit to such  
11 tests and samples as the Board or its representatives may require for the detection of alcohol,  
12 narcotics, hypnotics, dangerous drugs, or other controlled substances.

13                   If Respondent has a positive drug screen for any substance not legally authorized  
14 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the  
15 Board files a petition to revoke probation or an accusation, the Board may suspend Respondent  
16 from practice pending the final decision on the petition to revoke probation or the accusation.  
17 This period of suspension will not apply to the reduction of this probationary time period.

18                   If Respondent fails to participate in a random, biological fluid testing or drug  
19 screening program within the specified time frame, Respondent shall immediately cease practice  
20 and shall not resume practice until notified by the Board. After taking into account documented  
21 evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the  
22 Board may suspend Respondent from practice pending the final decision on the petition to  
23 revoke probation or the accusation. This period of suspension will not apply to the reduction of  
24 this probationary time period.

25                   **18. Mental Health Examination.** Respondent shall, within 45 days of the  
26 effective date of this Decision, have a mental health examination including psychological testing  
27 as appropriate to determine her capability to perform the duties of a registered nurse. The  
28 examination will be performed by a psychiatrist, psychologist or other licensed mental health

1 practitioner approved by the Board. The examining mental health practitioner will submit a  
2 written report of that assessment and recommendations to the Board. All costs are the  
3 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a  
4 result of the mental health examination will be instituted and followed by Respondent.

5           If Respondent is determined to be unable to practice safely as a registered nurse,  
6 the licensed mental health care practitioner making this determination shall immediately notify  
7 the Board and Respondent by telephone, and the Board shall request that the Attorney General's  
8 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease  
9 practice and may not resume practice until notified by the Board. During this period of  
10 suspension, Respondent shall not engage in any practice for which a license issued by the Board  
11 is required, until the Board has notified Respondent that a mental health determination permits  
12 Respondent to resume practice. This period of suspension will not apply to the reduction of this  
13 probationary time period.

14           If Respondent fails to have the above assessment submitted to the Board within  
15 the 45-day requirement, Respondent shall immediately cease practice and shall not resume  
16 practice until notified by the Board. This period of suspension will not apply to the reduction of  
17 this probationary time period. The Board may waive or postpone this suspension only if  
18 significant, documented evidence of mitigation is provided. Such evidence must establish good  
19 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be  
20 provided. Only one such waiver or extension may be permitted.

21           **19. Therapy or Counseling Program.** Respondent, at her expense, shall  
22 participate in an on-going counseling program until such time as the Board releases her from this  
23 requirement and only upon the recommendation of the counselor. Written progress reports from  
24 the counselor will be required at various intervals.

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1 ACCEPTANCE

2 I have carefully read the Stipulated Settlement and Disciplinary Order. I  
3 understand the stipulation and the effect it will have on my Registered Nursing. I enter into this  
4 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree  
5 to be bound by the Decision and Order of the Board of Registered Nursing.

6 DATED: July 20, 2007

7  
8 Kimberly Hankinson  
9 KIMBERLLY HANKINSON  
Respondent

10  
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12  
13 ENDORSEMENT

14 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
15 submitted for consideration by the Board of Registered Nursing of the Department of Consumer  
16 Affairs.

17 DATED: Aug. 7, 2007

18 EDMUND G. BROWN JR., Attorney General  
19 of the State of California

20  
21 Rita M. Lane  
22 RITA M. LANE  
Deputy Attorney General

23 Attorneys for Complainant  
24

**Exhibit A**  
**Accusation No. 2007-160**



1 BILL LOCKYER, Attorney General  
of the State of California  
2 MARGARET A. LAFKO  
Supervising Deputy Attorney General  
3 RITA M. LANE, State Bar No. 171352  
Deputy Attorney General  
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Telephone: (619) 645-2614  
7 Facsimile: (619) 645-2061

8 Attorneys for Complainant

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10 **BEFORE THE**  
11 **BOARD OF REGISTERED NURSING**  
12 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 2007-160

14 KIMBERLLY HANKINSON  
42100 Southern Hills Drive  
15 Temecula, CA 92591

**A C C U S A T I O N**

16 Registered Nursing License No. 531059

17 Respondent.

18  
19 Ruth Ann Terry, M.P.H. ("Complainant"), alleges:

20 **PARTIES**

- 21 1. Complainant brings this Accusation solely in her official capacity as the  
22 Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.  
23 2. On or about March 24, 1997, the Board of Registered Nursing ("Board")  
24 issued Registered Nursing License Number 531059 to Kimberlly Hankinson ("Respondent").  
25 The license was in full force and effect at all times relevant to the charges brought herein and  
26 expired on June 30, 2008.

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1           9.     Section 125.3 of the Code provides, in pertinent part, that the Board may  
2 request the administrative law judge to direct a licensee found to have committed a violation or  
3 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
4 and enforcement of the case.

5           10.    Health and Safety Code section 11173(a) provides that no person shall  
6 obtain or attempt to obtain controlled substances, or procure or attempt to procure the  
7 administration of or prescription for controlled substances, (1) by fraud, deceit,  
8 misrepresentation, or subterfuge; or (2) by concealment of a material fact.

9                   **DRUGS**

10           11.    "Morphine/Morphine Sulfate" is a Schedule II controlled substance as  
11 designated by Health and Safety Code section 11055(b)(1)(M) and a dangerous drug pursuant to  
12 Business and Professions Code Section 4211.

13           12.    "Vicodin," which is the trade name for the narcotic Hydrocodone, is a  
14 Schedule III controlled substance as designated by Health and Safety Code section 11056(e)(3)  
15 and a dangerous drug pursuant to Business and Professions Code Section 4211.

16           13.    "Demerol," is a Schedule II controlled substance as designated by Health  
17 and Safety Code section 11055(c)(17) and a dangerous drug pursuant to Business and  
18 Professions Code Section 4211.

19                   **FACTS**

20           14.    On July 14, 2004, Respondent was employed and on duty as a registered  
21 nurse at Inland Valley Medical Center, Wildomar, California.

22           15.    On July 14, 2004, Respondent had been caring for a patient who had not  
23 been receiving much pain medication. During Respondent's shift, the patient's chart reflected  
24 that the patient was receiving quite a bit more pain medication than usual. The charge nurse  
25 noticed that Respondent made frequent trips to the bathroom during her shift. The patient was  
26 questioned and denied receiving any pain medication on July 14, 2004. Respondent was  
27 confronted regarding the missing drugs and she submitted to a drug test.

28    ///

1                   16.     Inland Valley Medical Center performed a review of three patient's charts  
2 that Respondent was caring for during her shift on July 14, 2004. The following was found:

3                   a.     **PATIENT 1.**<sup>1</sup> On July 14, 2004, Patient 1 had a physician's  
4 order for Demerol 50 mg IV every two hours for pain. The medication administration  
5 records for Patient 1 reflect entries for the administration of Demerol at 0030 hours, 0230  
6 hours, 0430, and 0630 hours. The nursing notes for Patient 1 do not reflect any entries  
7 for the administration of Demerol at 0630 hours despite the fact that Respondent  
8 withdrew 50 mg of Demerol from the hospital's supply at that time.

9                   b.     **PATIENT 2.** On July 14, 2004, Patient 2 had a physician's order  
10 for Morphine 4mg every three hours as needed for pain. The medication administration  
11 records for Patient 2 reflect entries for the administration of Morphine at 0745 hours. The  
12 nursing notes for Patient 2 do not reflect any entries for the administration of Morphine at  
13 0745 hours despite the fact that Respondent withdrew 4 mg of Morphine from the  
14 hospital's supply at that time.

15                  c.     **PATIENT 3.** On July 14, 2004, Patient 3 had a physician's order  
16 for Vicodin every four hours as needed for pain. The medication administration records  
17 for Patient 3 do not reflect any entries for the administration of Vicodin despite the fact  
18 Respondent withdrew 500 mg of Vicodin from the hospital's supply. The nursing notes  
19 for Patient 3 also do not contain any entries by Respondent for the administration of  
20 Vicodin to coincide with Respondent's withdrawal of 500 mg of Vicodin from the  
21 hospital supply.

22                  17.     On July 16, 2004, Respondent called Inland Valley Medical Center's  
23 Human Resource Director and admitted that she had self medicated with morphine obtained from  
24 the hospital's supply on July 14, 2004. Thereafter, Respondent's drug test came back positive for  
25 morphine.

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28                  1. The actual names of the patients are not provided to protect the privacy of the patients.  
They have been identified herein by numeric characters.

1           18.     On November 16, 2004, Respondent enrolled in the Board's Diversion  
2 program and was terminated from the program on March 17, 2005. The Diversion Evaluation  
3 Committee (DEC) terminated Respondent as a public threat because Respondent was  
4 noncompliant with the mandates of the Diversion program. Respondent failed to sign up for  
5 urine testing, failed to show for her DEC meeting, refused to sign her contract, and did not  
6 respond to telephone messages to discuss her case.

7                               FIRST CAUSE FOR DISCIPLINE

8                               (Obtain and Possess Controlled Substances)

9           19.     Respondent has subjected her license to disciplinary action for  
10 unprofessional conduct under Code section 2761(a) on the grounds that she obtained and  
11 possessed controlled substances and dangerous drugs in violation of Code section 2762(a). The  
12 circumstances are that on July 14, 2004, Respondent obtained and possessed 50mg of Demerol,  
13 4mg of Morphine, and 500mg of Vicodin, which are controlled substances, by fraud, deceit,  
14 misrepresentation or subterfuge in violation of Health and Safety Code section 11173(a) by  
15 withdrawing certain quantities of each controlled substance from Inland Valley Medical Center's  
16 narcotic supply as more specifically set forth in paragraphs 14-17 above which are incorporated  
17 by reference as though fully set forth herein.

18                               SECOND CAUSE FOR DISCIPLINE

19                               (Possession of a Controlled Substance Without a Prescription)

20           20.     Respondent has subjected her license to disciplinary action for  
21 unprofessional conduct under Code section 2761(a) on the grounds that Respondent possessed  
22 Vicodin, Morphine and Demerol, controlled substances, in violation of Code section 4060, in  
23 that she had no valid prescription therefor as set forth in paragraphs 14 through 17 above and  
24 incorporated by reference as though fully set forth herein.

25                               THIRD CAUSE FOR DISCIPLINE

26                               (Use of Controlled Substance in a Manner Dangerous to the Public)

27           21.     Respondent has subjected her license to disciplinary action for  
28 unprofessional conduct under Code section 2761(a) on the grounds that Respondent used

1 controlled substances in a manner dangerous to the public in violation of Code section 2762(b) in  
2 that Respondent used controlled substances while on duty as a registered nurse on July 14, 2004,  
3 as set forth in paragraphs 14 through 17 above and incorporated by reference as though fully set  
4 forth herein.

5 FOURTH CAUSE FOR DISCIPLINE

6 (Falsifying a Hospital Record)

7 22. Respondent has subjected her license to disciplinary action for  
8 unprofessional conduct under Code section 2761(a) on the grounds that she falsified hospital  
9 records in violation of Code section 2762(e) in that while employed as a licensed registered nurse  
10 at Inland Valley Medical Center, Respondent falsified, made grossly incorrect, or grossly  
11 inconsistent entries in hospital and patient records for Patients 1, 2 and 3 with regard to  
12 controlled substances as set forth in paragraph 16 above and incorporated by reference as though  
13 fully set forth herein.

14 FIFTH CAUSE FOR DISCIPLINE

15 (Unprofessional Conduct-Obtaining Controlled Substances by Fraud)

16 23. Respondent has subjected her license to disciplinary action for  
17 unprofessional conduct under Code section 2761(a) on the grounds that Respondent obtained  
18 controlled substances by fraud and deceit from Inland Medical Valley Center in violation of  
19 Health and Safety Code section 11173(a) as set forth in paragraphs 15 through 17 above and  
20 incorporated by reference as though fully set forth herein.

21 MATTERS IN AGGRAVATION

22 24. On November 16, 2004, Respondent enrolled in the Board's Diversion  
23 program. On March 17, 2005, the Diversion Evaluation Committee terminated Respondent from  
24 the program as a public threat because she was noncompliant with the mandates of the program  
25 as set forth in paragraph 18 above and incorporated by reference as though fully set forth herein.

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1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
3 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 4 1. Revoking or suspending Registered Nursing License Number 531059,  
5 issued to Kimberly Hankinson;  
6 2. Ordering Kimberly Hankinson to pay the Board of Registered Nursing the  
7 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
8 Professions Code section 125.3; and  
9 3. Taking such other and further action as deemed necessary and proper.

10 DATED: 12/8/06

11  
12 Ruth Ann Terry  
13 Ruth Ann Terry, M.P.H.  
14 Board of Registered Nursing  
15 Department of Consumer Affairs  
16 State of California  
17 Complainant  
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